

# **BROOKINGS COUNTY COMMISSION MEETING**

## **TUESDAY, JULY 7, 2015**

The Brookings County Board of County Commissioners met in regular session on Tuesday, July 7, 2015 with the following members present: Tom Yseth, Ryan Krogman, Larry Jensen, Stephne Miller, and Lee Ann Pierce.

### **CALL TO ORDER**

Chairperson Yseth called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **APPROVAL OF AGENDA**

The agenda for the July 7, 2015 Commission Meeting was approved without objection.

### **CONSENT AGENDA**

The consent agenda was approved as amended without objection. The consent agenda consisted of the minutes from the June 16, 2015 Commission Meeting and the June 29, 2015 Special Commission Meeting.

Travel Requests: Marty Stanwick to attend a Regional Sheriff's Meeting on July 8<sup>th</sup> in Watertown; Abigail Howard to attend Prosecuting Drug Cases Training-National District Attorneys Association, October 11<sup>th</sup>-17<sup>th</sup> in Las Vegas, NV; Angela Johnson & Martha Giegling to attend a 24/7 Sobriety Program/SCRAM Training on July 9<sup>th</sup> in Sioux Falls; Greg Enz & Bart Sweebe to attend a 24/7 Sobriety Program/SCRAM Training on July 10<sup>th</sup> in Sioux Falls; Sally Tolley to attend a Regional Staff Meeting on June 26<sup>th</sup> in Watertown.

Personnel Action Notices: routine step increase- Linda Gross to \$20.39, effective July 01, 2015; routine step increase- Chris Mulhair to \$18.71, effective June 01, 2015; routine step increase- Paul Ness to \$17.40, effective July 01, 2015; new hire as part-time Correctional Officer, Amy Toro at \$16.73, effective June 17, 2015; new hire as part-time correctional officer- Ethan Bergt at \$16.73, effective June 25, 2015; resignation- Gavin Wright, effective June 12, 2015; resignation- Miranda Moody, effective May 17, 2015; status change- Sean Doremus to full-time Deputy at \$20.78, effective May 26, 2015; new hire as part-time Correctional Officer, Adam Lehnertz at \$16.73, effective, June 12, 2015; new hire as part-time Correctional Officer, Heather Kroontje at \$16.73, effective, June 12, 2015; new hire as temporary/seasonal ATV Driver, Tomas Toucedo at \$14.48, effective June 19, 2015; resignation- Brenda Conn, effective June 12, 2015.

Human Services Report: case #14-180 for Sanford Medical Center was denied; case #15-062 for Avera McKennan was denied; case #15-066 for County Burial was denied; case #15-065 for rent

was approved; case #15-064 for Northwestern Energy was approved; case #15-067 for Brookings Utilities was approved.

## **ROUTINE BUSINESS**

### *Approval of Claims*

Motion by Krogman, seconded by Miller to approve the following claims. Motion carried.

A to Z World Languages Inc, Translation Services, \$175.00; A&B Business Inc, Maintenance Contract, \$180.21; Allegra Print & Imaging, Lamination of Map, \$7.60; Alpha Training & Tactics LLC, 6A29 Body Armour, \$964.00; Aragon, Martha A, Translation Services, \$112.50; Aragon, Martha A, Translation Services, \$75.00; ATCO International, Spill Kit for Trucks, \$364.00; Best Western Ramkota Inn, Room, SD Govt HR School, \$131.99; Bozied Oil Co Inc, Car Washes, \$160.00; Brookings City Utilities, COP Utilities, \$284.05; Brookings County Finance, Delinquent Taxes, \$1,346.84; Brookings County Finance, Delinquent Taxes, \$250.41; Brookings County Finance, Delinquent Taxes, \$436.36; Brookings Credit Bureau, Collections, \$158.47; Brookings Engraving, Name Plates, \$36.00; Brookings Health System, PMD, \$2,785.58; Brookings Health System, ER Sexual Assault Investigation, \$459.00; Brookings Public Library, Library Services 2nd Qtr 2015, \$4,375.00; Brookings Register, Publishing, \$1,309.79; Buffalo Ridge Newspapers LLC, Election Notice, \$103.20; C&R Supply Inc, Honda Engine & Spray Pump, \$902.96; C&W Repair, Recoil, Kawasaki Repair, \$1,538.50; Central Business Supply, Correction Tape, Paper, Labels, \$180.91; Central Business Supply, Folders, \$32.40; Century Link, Long Distance Phone, \$228.77; Craig Chapman, Boot Reimbursement, \$100.00; Charm-Tex, Inmate Supplies, \$1,267.20; City of Brookings, E911 Money Remitted to State, \$75,738.22; City of Brookings, Joint Building Expenses, \$28,696.30; Clean Slate, Forms & Envelopes, \$522.00; Clites Electric Inc, Electrical Work in Basement, \$440.03; Cody, Denise, Inv MI Hearings, \$30.00; Cody, Denise, Inv MI Hearing, \$15.00; Compass Counseling & Assessments, Psychosexual Assessment, \$1,500.00; Conference Technologies Inc, Battery Pack For ITV, \$250.00; Dale's A-1 Transmission, 6A14 Transmission Repair, \$2,668.90; Department of Motor Vehicles, Hwy Plates, Title, Truck/Trailer, \$28.00; Derek Mitzel, Transport Fuel Costs, \$21.90; Diamond Mowers Inc, Hydraulic Lift Cylinder, \$269.94; Ecolab Pest Elimination, Quarterly Fumigation, \$78.50; EEHP Inc, Cathodic Protection Testing, \$80.00; Electronic Security Equipment, Repair Work Release Buzzer, Camera, \$198.90; Executive Mgmt Finance Office, May 2015 Tech Access Fee, \$29.00; Exhaust Pros, 6A11 Manifold Repairs, \$530.83; Fishback Ins Agency, Bond Charge for Notary, \$50.00; Fite, Pierce & Ronning Law, CAA, \$1,098.00; Fite, Pierce & Ronning Law, CAA, \$558.00; Fite, Pierce & Ronning Law, CAA, \$1,261.50; Fite, Pierce & Ronning Law, CAA, \$540.00; Ben Fitzpatrick, Stump Grinding, \$112.50; Forrest Holdings Inc, Tax Certificate, \$907.03; G&K Services, Shop Supplies, \$220.89; Giegling, Mike, Cell Phone -Replace Lost Check, \$30.00; Jennifer Goldammer, CAA, \$689.03; Jennifer Goldammer, CAA, \$626.57; Jennifer Goldammer, CAA, \$372.31; Goldies Radiator Inc, New Complete Radiator, \$1,008.00; Graybar Electric Co Inc, Lighting In Jail, \$17.88; Patricia J Hartsel, Transcripts, \$205.20; Patricia J Hartsel, Transcripts, \$26.60; Patricia J Hartsel, Transcripts, \$91.20; Tim Hogan, CAA, \$409.80; Tim Hogan, CAA, \$1,476.84; Tim Hogan, CAA aa, \$367.86; Tim Hogan, CAA, \$410.80; Tim Hogan, CAA, \$552.90; Tim Hogan, CAA, \$550.90; Tim Hogan, CAA, \$558.00; Hy-Vee Food Store, Zoning Mtg Refreshments, \$7.79; Hy-Vee Food Store, Inmate Meals, \$16,208.08; Hy-Vee Food Store, Inmate Rx, Generic Meds, \$952.74; Hy-Vee Food Store, Grand Jury Meals, \$20.16; Ina Group LLC, Tax Certificate, \$3,868.41; Ina Group LLC, Tax Certificate, \$2,538.52; James & Larson Law, CAA Inv MI, \$272.25; Johnson Controls, Remove/Replace Chiller, \$25,244.98; Johnson Controls, Service Agreement, 6/1-11/30,

\$14,540.10; Kingbrook Rural Water, Water, \$26.20; Benjamin L. Kleinjan, CAA, \$63.00; Knight's Defense, Uniforms, Awards, \$473.89; Kobernusz, Eric, Honorarium-Horse Show Judge, \$181.40; Lang, Mitchell, Work Boots, \$100.00; Lautzenhisser's Stationery, Minute Book & Paper, \$357.80; Lewis & Clark Behavioral Health, BMI Hearings, \$320.00; Lewno, Lucy, Inv MI Hearing, \$254.48; Lewno, Lucy, Inv MI Hearing, \$150.49; Lincoln County Auditor, MI Expenses, \$18.00; M&T Fire & Safety Inc, Mask, Gloves, \$171.00; Mack, Sonia, June Travel, \$50.69; Marshall & Swift, Marshall Valuation Service, \$1,228.40; Donald Mccarty, CAA, \$315.80; Donald Mccarty, CAA, \$1,375.94; MCI, Long Distance May/June 2015, \$47.90; McKeever's Vending, Inmate Commissary, \$1,007.42; Mike's Professional Carpet, Shampoo Courthouse 1st Floor, \$270.00; Gary E Mikelson, Inv MI Hearing, \$45.00; Minnehaha County JDC, JDC Costs, \$2,805.00; Minnehaha County Sheriff, Service Intent Take Tax Deed, \$31.45; National 4-H Council - Supply, Pencils, T-Shirts, \$234.73; NDAA, Drug Cases Training, Las Vegas, \$595.00; Nancy J Nelson, CAA, \$519.30; Nancy J Nelson, CAA, \$225.00; Nancy J Nelson, CAA, \$1,021.50; Nancy J Nelson, CAA, \$630.00; Nancy J Nelson, CAA, \$479.70; Northwestern Energy, Natural Gas, \$136.22; Northwestern Energy, Multiplex Natural Gas, \$72.46; Northwestern Energy, Heat For Truck Shed, \$23.36; Northwestern Energy, COP Utilities, \$409.65; Office Peeps Inc, Labels For E-Pollbooks, \$1,938.00; Office Peeps Inc, Pens, Labels, \$46.88; Office Peeps Inc, Paper, Rubber Bands, \$284.71; Office Peeps Inc, Office Supplies, \$41.99; One Source, Background Checks, \$280.00; Pharmchem Inc, Drug Sweat Analysis 5/1-5/31, \$225.00; Pheasantland Industries, Decals, Bike Licenses, \$81.51; Pitney Bowes, Meter Model PR00, \$165.00; Pizza Ranch, Refreshments for 4/24 Work Session, \$40.00; Plastic Works, Plastic for Tractor Mowers, \$1,420.00; Pollard, Jerry, Inv MI Hearing, \$186.00; Prairie Graphics, Safety Shirts, \$178.08; Productivity Plus Account, Loader Bucket For Case Backhoe, \$2,400.00; Raeder, Pam, Honorarium-Special Foods, \$83.30; Ramsdell's F&M LTD, Budget Propane, \$1,155.00; Reh fuss, Cathy, Inv MI Hearing, \$15.00; RFD, Publishing, \$907.78; RFD, Publishing, \$1,819.85; RFD, Legal Notices, \$78.95; Rick Ribstein, CAA, \$300.62; Rick Ribstein, CAA, \$887.49; Rick Ribstein, CAA, \$365.87; Rick Ribstein, CAA, \$496.89; Rick Ribstein, CAA, \$415.89; Rick Ribstein, CAA, \$495.20; Rick Ribstein, CAA, \$750.29; Rick Ribstein, CAA, \$830.90; Running's Supply Inc, Maintenance & Evidence Supplies, \$528.89; Sanford Health, Employment Testing, \$39.00; Sanford Health, Autopsies, \$6,480.00; Schneider Corporation HFH, Beacon Hosting 7/1-9/30/15, \$2,415.00; SD Attorney General's Office, 24/7-Scram, 6/1-15/15, \$1,888.00; SD Attorney General's Office, 24/7 Participation 6/1-15/15, \$97.00; SD Attorney General's Office, 24/7-Scram May 16-31, 2015, \$961.00; SD Attorney General's Office, 24/7 Participation 5/16-31/15, \$159.00; SD Governmental HR Association, SD Govt HR School, \$100.00; SDSU Workstudy, SDSU Workstudy, \$160.02; Secretary of State, Notary Filing Fee, \$30.00; SHI International Corp, Microsoft Software, \$10,146.60; Sioux Valley Cleaners Inc, Janitorial for WIC June 2015, \$460.00; Smilemakers, Stickers, \$74.01; Subway, Jury Meals, \$60.46; Sundem, Deb, Honorarium-Special Foods, \$50.00; Swanda, Karen, Inv MI Hearings, \$30.00; Taser International, Battery Packs, \$83.90; Thomson Reuters - West, Zoning Bulletin Subscription, \$348.00; Thomson Reuters - West, West Information Charges, \$1,299.20; Thomson Reuters - West, NW Reporter 5/13/15, \$275.75; Thomson Reuters, SD Court Rules, \$139.00; Tyler Technologies, Receipt Printers, \$2,100.00; UPS Store, 24/7 Shipping, Repairs Shipping, \$70.75; Steven Ust, Building Inspections, \$300.00; Vandenberg Law, CAA, \$517.50; Vandenberg Law, CAA, \$517.50; Vantek Communications Inc, North Repeater July Fee, \$100.00; Verizon Wireless, Sign Program Tablet, \$24.57; Verizon Wireless, Deputy Mobile Data, \$280.07; Walburg, Duane, 6/13-6/26 Mileage, \$34.00; Walburg, Duane, 5/30-6/12 Mileage, \$46.00; Walmart Community, Keyboard, Mousepad, \$69.88; Walmart Community, Office & Programming Supplies, \$78.83; Wells Fargo, Wells Fargo CC, \$1,355.30; Wheelco Truck & Trailer, Shop Supplies, \$117.48; White City, White Shop Utilities, \$52.35; Terry D Wiczorek PC, CAA, \$427.54; Windsor Estates,

COP Rent, \$303.00; Yankton County Sheriff, Service of Process, \$25.00; Yankton County Sheriff, Service of Process, \$25.00; Yankton County Treasurer, MI Hearings, \$250.00;

### *Department Head Reports*

County Development Director Robert Hill asked for the board's approval on writing a letter of thanks to the Yankton County Commissioners for the sandbags. By consensus, the board agreed to have Chairperson Yseth sign a letter of thanks.

Hill said they are working with the United Living Community in Brookings and their emergency plans. He said they will be holding a table top exercise on July 22<sup>nd</sup>. On September 3, 2015, Hill said FEMA will be putting on a table-top exercise on individual assistance at the Brookings Fire Station. Hill said it is hard to receive individual assistance, so they have these courses to make sure local communities know what needs to be documented when a disaster occurs.

Hill also said there was a generator test and the results will be submitted to the Joint Powers Board. Hill also said the new employee hit the ground running and the office is now fully staffed.

Hill also updated the board on two nuisance issues regarding tall grass and brush piles. Hill said they have to contract it out because it is such a mess. Hill asked for guidance on the issue. Krogman asked if that would go on their property taxes or a county lien. Deputy States Attorney Abigail Howard said it would be assessed back on the tax role. The board told Hill to proceed with contracting it out.

Hill said he plans on attending the NACo Conference from July 9<sup>th</sup>-14<sup>th</sup>. Hill also reported on a program called IPAWS (Integrated Public Alert and Warning System). He said this is a FEMA authorized program and it is an early warning system. Hill said the program allows them to zone in on certain areas where the warning occurs. He said it is a forced message. Yseth asked if a person could block the message. Hill said he believes you could. Miller said she would need more information before making a decision. Yseth said they would put it on the agenda for discussion and possible action at the next commission meeting.

Hill said the City of White has ordered their siren. Hill also discussed the State and Local Agreement. He said it is required to be turned in by July 15<sup>th</sup> and he asked for it to be-it-noted by the county commission and have Chairperson Yseth sign off on it. By consensus, the board agreed to have Chairperson Yseth sign off on the agreement. Yseth thanked Hill for representing the county so well.

Veterans & Human Services Director Michael Holzhauser reported on a Welfare Meeting he attended in Sioux Falls and said it was a really good training. Holzhauser updated the board on the number of phone calls the office has made and received and the number of walk-in meetings.

Finance Officer Vicki Buseth said State Auditor Brenda Colombe will be back in the office sometime next week. Buseth said the walls in the Finance Office are really bare so she purchased eight canvases for the Boys & Girls club to paint and they would display them in the office. Buseth said she thought it would be an inexpensive way to decorate the walls. Buseth also said she would reach out to the surrounding schools and have them paint pictures for the office. Miller said she loved the idea.

Sheriff Marty Stanwick said there are 22 inmates in jail and 14 of those inmates are felons. Stanwick said there are 62 participants on the 24/7 program. Stanwick said the fireworks complaints were very minimal this year. He said if they receive fireworks complaints, those individuals will be subject to tickets. Stanwick said he put extra patrol on the lake regions because of the increased activity. Stanwick also said the new judge was sworn in last week.

#### **SCHEDULED AGENDA ITEM**

As scheduled at 9:00 a.m., First District Association of Local Governments representatives, Todd Kays and Luke Muller presented different options that Brookings County has before them regarding how the county wants to handle Boards of Adjustments.

#### **SCHEDULED AGENDA ITEM**

As scheduled at 9:30 a.m., Jim Morgan and Carla Gatzke both representing East Brookings Business and Industry presented a funding check in the amount of \$100,000 for the 34<sup>th</sup> Avenue project.

#### **SCHEDULED AGENDA ITEM**

Todd Kays and Luke Muller continued with their presentation.

#### **SCHEDULED AGENDA ITEM**

As scheduled at 10:00 a.m., Dustin VanBalen with Midwest Cyber Solutions discussed the tech support for the e-pollbooks used for the Primary and General Elections

#### ***Department Head Reports Continued***

Highway Superintendent Richard Birk updated the board on their day to day work. Birk reported on the STIP Meeting at First District. He said they went through programs already in the STIP program and the three projects Brookings County submitted will go through. He said there is an upcoming public meeting. Birk said he brought up the number of structures Brookings County has and that we would need help with those projects. Birk said they gave an example of what will be expected in the application. Birk said a public hearing will be expected once the 5 year road plan is completed. He said the board will then approve that plan.

Yseth asked if the plan was good for Brookings County. Birk said not the plan, but the criteria.

Birk also reported on the test results he received from Geotek.

Birk said Sioux Valley Electric has been turning in permits for work that needs replacement. Birk asked the board if Sioux Valley Electric needs to fill out permits for every replacement when they already have a permit put in place. Krogman said if they don't already have an agreement with Brookings County then a permit should be submitted, but if they already have one in place then it is not necessary.

Birk also asked the board if they would like to keep the security light at the intersection of 472<sup>nd</sup> Ave and Highway 24. He said it would cost the county \$4,000. Jensen said it is added safety. Miller said it is a dangerous intersection. Sheriff Martin Stanwick said for safety reasons, the security light should stay.

Krogman asked if the department could put up another sign on the other side of the stop sign at the intersection of 22<sup>nd</sup> Ave and 32<sup>nd</sup> Street to warn drivers it is not a 4-way stop. Miller said they have been pushing for a 4-way stop at that intersection, but it does not meet the criteria. Miller said whatever the county can do to mitigate any damages would be good. Miller thanked the Highway Department on the job well done on Highway 77. She said it is really nice.

Pierce asked when the five year plan needed to be done. Birk said December of 2015. Birk suggested the public hearing be held in August. Yseth asked about the safety rumble strips near Sinai. Birk said they didn't recommend rumble strips or guard rails.

Chairperson Yseth declared a 5 minute recess.

## **REGULAR BUSINESS**

Motion by Jensen, seconded by Krogman to approve and authorize Chairperson Yseth to sign Agreement #15-69: an easement for use of county right-of-way made and entered into by and between Brookings County, SD and L.G. Everist, Inc. Deputy States Attorney Abigail Howard provided background information. Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Yseth to sign Agreement #15-70: an application for occupancy of right-of-way between Brookings County, SD and Sioux Valley Energy. Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Yseth to sign Agreement #15-71: an application for occupancy of right-of-way between Brookings County, SD and Sioux Valley Energy. Motion carried.

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Yseth to sign Agreement #15-72: an agreement between Novita Aurora, LLC and Brookings County, South Dakota regarding excess materials for 213<sup>th</sup> Street Reconstruction Project. Deputy States Attorney Abigail Howard provided background information. Motion carried.

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Yseth to sign Resolution #15-38: a resolution authorizing the purchase of a dump body, hoist, hydraulics, truck plow hitch, with options: reversible plow, mid-mount 10' wing, assist axle, pup pull plate and sand spreader, based upon the price established through the Brookings County bid process. Roll call vote: Krogman "aye," Miller "aye", Jensen "aye," Pierce "aye," Yseth "aye." Motion carried.

## **RESOLUTION NO. 15-38**

A RESOLUTION AUTHORIZING THE PURCHASE OF DUMP BODY, HOIST, HYDRAULICS, TRUCK PLOW HITCH, WITH OPTIONS: REVERSIBLE PLOW, MID MOUNT 10' WING, ASSIST AXLE, PUP PULL PLATE AND SAND SPREADER, BASED UPON THE PRICE ESTABLISHED THROUGH THE BROOKINGS COUNTY BID PROCESS.

WHEREAS, the Brookings County Highway Department has recently gone through a competitive sealed bidding process for Dump Body, Hoist, Hydraulics, Truck Plow Hitch, With Options: Directional Plow, Mid mount 10' Wing, Assist Axle, Pup Pull Plate and Sand Spreader, such bidding process culminating in the bids being opened on June 30, 2015.

WHEREAS, Northern Truck Inc., was the lowest responsible bidder under such Brookings County, South Dakota bid process and Brookings County accepted such bid for Dump Body, Hoist, Hydraulics, Truck Plow Hitch, With Options: Reversible Plow, Mid mount 10' Wing, Assist Axle, Pup Pull Plate and Sand Spreader.

NOW THEREFORE, BE IT RESOLVED that the Brookings County Highway Department is hereby authorized and directed to purchase one (1) Dump Body, Hoist, Hydraulics, Truck Plow Hitch, With Options: Reversible Plow, Mid mount 10' Wing, Assist Axle, Pup Pull Plate and Sand Spreader from Northern Truck Inc. based upon the bid price, or less, as established through the competitive bidding process with the unit and specifications as follows:

Dump Body, Hoist, Hydraulics, Truck Plow Hitch,  
With Options: Reversible Plow, Mid mount 10' Wing, Assist Axle,  
Pup Pull Plate and Sand Spreader

With all standard equipment, warranties and guarantees  
As described in the bid specification; together with options including but not limited to:

Price per unit with options 1-5: \$83,978.00  
F.O.B. - Brookings County

IT IS FURTHER RESOLVED that such purchase shall be for delivery on or before March 2016

Adopted this 7<sup>th</sup> day of July 2015

Chairperson Tom Yseth  
Brookings County  
Board of County Commissioners

ATTEST:

Vicki Buseth  
County Finance Office

Motion by Jensen, seconded by Miller to approve and authorize Chairperson Yseth to sign Resolution #15-39: a resolution authorizing the purchase of a 2015 motor grader, based upon the price established through the Brookings County bid process.

Motion to amend by Jensen, seconded by Miller to change wording from 500 miles to 500 hours. Amendment carried. Roll call vote on the main motion: Miller "aye," Jensen "aye," Pierce "aye," Krogman "aye," Yseth "aye." Main motion as amended carried.

### **RESOLUTION NO. 15-39**

A RESOLUTION AUTHORIZING THE PURCHASE Of  
2015 Motor Grader, based upon the price established through the Brookings County bid process.

WHEREAS, the Brookings County Highway Department has recently gone through a competitive sealed bidding process for 2015 motor grader with less than 500 hours, such bidding process culminating in the bids being opened on June 30, 2015.

WHEREAS, RDO Inc., was the lowest responsible bidder under such Brookings County, South Dakota bid process and Brookings County accepted such bid for 2015 Motor grader or newer with less than 500 hours.

NOW THEREFORE, BE IT RESOLVED that the Brookings County Highway Department is hereby authorized and directed to purchase one (1) 2015 motor grader from RDO Inc. based upon the bid price, or less, as established through the competitive bidding process with the unit and specifications as follows:

2015 or newer motor grader with less than 500 hours

With all standard equipment, warranties and guarantees

As described in the bid specification; together with options including but not limited to:

Price per unit: \$288,220.00

F.O.B. - Brookings County

IT IS FURTHER RESOLVED that such purchase shall be for delivery on or before March 2016

Adopted this 7<sup>th</sup> day of July 2015

Tom Yseth  
Chairperson  
Brookings County  
Board of County Commissioners

ATTEST:

Vicki Buseth, County Finance Office

Motion by Krogman, seconded by Jensen to approve and authorize Chairperson Yseth to sign Resolution #15-40: a resolution authorizing the Brookings County Regional Railroad Authority to certify a tax levy in the event of a default.

Pierce said she has serious concerns about this. Pierce said she is supportive of the project and the railroad, but questioned why the county would guarantee a \$4 million loan without collateral. Vice President of Project Development for Novita Aurora, LLC Rick Eggebrecht provided background information. Miller said she is concerned as well. She said we are committing tax payers' funds. Pierce asked what would happen if there was a default. Pierce also asked if the county has ever done a tax levy. Finance Officer Vicki Buseth said the county has not implemented this tax levy. Deputy States Attorney Abigail Howard said the application has been approved by the Rail Authority, but it has been tabled at the state level. She said the loan needs to be approved by the state before it can come back to the local level. Yseth asked if the county is second position forever. Pierce said yes; you are second position until the first loan is paid.

Motion by Pierce, seconded by Miller to table action until the July 21, 2015 Commission Meeting. Motion carried.

Motion by Miller, seconded by Pierce to approve and authorize Chairperson Yseth to sign Resolution #15-41: a resolution to continue support for the First District Association of Local Governments during the fiscal year 2016 (October 1, 2015-September 30, 2016). Roll call vote: Jensen "aye," Pierce "aye," Krogman "aye," Miller "aye," Yseth "aye." Motion carried.

**Resolution #15-41**



A RESOLUTION TO CONTINUE SUPPORT FOR THE FIRST DISTRICT ASSOCIATION OF LOCAL  
GOVERNMENTS DRING FISCAL YEAR 2016  
(October 1, 2015 - September 30, 2016)

The Brookings County Board of County Commissioners, having adopted and signed a Joint Cooperative Agreement on the 6<sup>th</sup> day of April, 1972, creating the First Planning and Development District, Model Rural Development Program, do hereby agree to renew their participation in the Joint Cooperative Agreement for Fiscal year 2016 (October 1, 2015 - September 30, 2016). To support the Joint Cooperative Agreement and the activities of the District staff, the Brookings County Board of County Commissioners will provide \$40,430.90 to the First District Association of Local Governments during the aforementioned Fiscal Year 2016 period.

Adopted this 7<sup>th</sup> day of July, 2015

Tom Yseth  
Chairperson  
Brookings County Commission

Attest:

Vicki Buseth  
Brookings County Auditor

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Yseth to sign Resolution #15-42: a resolution designating the chairperson of the Brookings County Commission as the county's certifying official for signature purposes in relation to the Local Infrastructure Improvement Grant for the 213<sup>th</sup> Street roadway project. Roll call vote: Pierce "aye," Krogman "aye," Miller "aye," Jensen "aye, Yseth "aye." Motion carried.

**Resolution #15-42**

A RESOLUTION DESIGNATING THE CHAIRPERSON OF THE BROOKINGS COUNTY COMMISSION AS THE  
COUNTY'S CERTIFYING OFFICIAL FOR SIGNATURE PURPOSES IN RELATION TO THE LOCAL INFRASTRUCTURE  
IMPROVEMENT GRANT FOR THE 213<sup>TH</sup> STREET ROADWAY PROJECT

WHEREAS, Brookings County, South Dakota has received a Local Infrastructure Improvement Program grant from the South Dakota Governor's Office of Economic Development for improvements to a portion of 213<sup>th</sup> Street within Brookings County; and

WHEREAS, Brookings County, South Dakota, is required to designate a certifying official for the purpose of signing required documents pertaining to this grant and project;

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson of the Brookings County Commission be designated as the County's certifying official for the purpose of signing grant agreements, contracts, correspondence, pay requests, and other required documents, related to the Local Infrastructure Improvement Program grant for the 213<sup>th</sup> Street project, and that he may sign and execute the same on behalf of the Board of County Commissioners.

This resolution is effective upon passage.

Dated this 7<sup>th</sup> day of July, 2015.

ATTEST:

Vicki Buseth  
County Finance Officer

Tom Yseth  
Chairperson, Brookings County  
Board of County Commissioners

Motion by Krogman, seconded by Miller to approve the Notice to Proceed for the 213<sup>th</sup> Street project.

Deputy States Attorney Abigail Howard said the road use agreement the county has with Novita states that the road will be completed by June 1, 2016 and the completion date on the Notice to Proceed reads June 15, 2016. Pierce asked if these dates comply with the grants. Yseth said yes. Pierce suggested the Asphalt Paving/Pavement Markings read that it will be completed by May 31, 2016 instead of June 1, 2016.

Motion by Pierce to amend the main motion to change the Asphalt Paving/Pavement Marking completion date to May 31, 2016, seconded by Krogman. Amendment carried. Main motion as amended carried.

Motion by Krogman, seconded by Miller to approve and authorize the County Finance Officer to pay off the Tax Increment Revenue Bond Series 2003 for the Valero TIF in the amount of \$1,181,276.26. Motion carried.

Commission Department Director Stacy Steffensen presented the Commission Department Director Report. Steffensen said she received a request from TJ Nelson with Senator Rounds' office. Steffensen said they would like to use one of the county conference rooms to meet with constituents who have pending issues with a federal agency. Steffensen said she would like to get a consensus from the board on whether this would be okay or not.

Miller asked if she foresees a problem with this. Steffensen questioned that if you do it for one person, would they see more requests. Yseth said he has mixed feelings on the request. Pierce thinks they should say yes because it is a governmental service and not a political activity. Krogman said he struggles with this idea because they could say they are going to use it for one thing, but really use it for another. Pierce said we could make it clear that there would be no political campaigning. By consensus, the board agreed to allow them to use one of the conference rooms.

Steffensen also updated the board on upcoming events. Steffensen said she received an email from the Jackson County Commission. She said they are requesting support from other counties in South Dakota to create a proposed legislative resolution that would extend the authority to counties to implement a county sales tax. Yseth said Jackson County has a lot of public land and it is nontaxable. He said he sympathetic. Miller said she is sympathetic but is not in favor of doing that in Brookings County.

Deputy States Attorney Abigail Howard updated the board on road projects. Howard said she is wrapping up the agreements for the 34<sup>th</sup> Avenue project. Howard said there will be an agreement with Brookings Municipal Utilities regarding the 213<sup>th</sup> Street project. Howard said BMU will be reimbursing the county for the electrical work. Howard said she is wrapping up the closings with the landowners.

### **COMMISSIONER REPORTS & DISCUSSION ITEMS**

Commissioner Pierce reported on the South Dakota State Bar Convention in Rapid City; toured the Rapid City Detention Center; attended the safe room meeting; and walked in the 4<sup>th</sup> of July parade. Pierce gave kudos to the Register of Deeds Office for being able to quickly comply with the Supreme Court's ruling on gay marriage by issuing their first gay couple a marriage license on the same day the ruling was made.

Commissioner Jensen attended the Prime Time Gala in Sioux Falls; reported on the 4-H Promotion and Expansion Committee Meeting; discussed the State 4-H Committee event; and discussed the Bird Flu issue. Jensen also talked about a garden project 4-H Advisor Sonia Mack is trying to get.

Commissioner Miller attended the budget meetings and reported on the meeting regarding the light maintenance issue with the Swiftel Center. Miller said she was the ring steward in the horse show and walked in the 4<sup>th</sup> of July parade.

Commissioner Krogman reported on his meeting with Weed & Pest Department Director Gary Egeberg regarding the mosquito spraying. Krogman also reported on the safe room meeting.

Commissioner Yseth updated the board on Growth Partnership; reported on emails received regarding the 34<sup>th</sup> Avenue project; reported on the hospital meeting; and discussed the 911 meeting.

### **EXECUTIVE SESSION**

Motion by Krogman seconded by Pierce to enter into Executive Session at 11:54 a.m. in accordance with SDCL 1-25-2(3), consulting with legal counsel and SDCL 1-25-2(4), contract negotiations. Motion carried.

### **RECESS**

The board recessed at 12:20 p.m. The commissioners attended the City & County Safety Picnic at Pioneer Park.

### **EXECUTIVE SESSION**

The board entered back into Executive Session at 1:10 p.m. The board came out of Executive Session at 1:42 p.m. No action was taken.

### **WORK SESSION**

The board held a budget work session.

**ADJOURNMENT**

Motion by Jensen, seconded by Pierce to adjourn. Motion carried. The next regular scheduled meeting is Tuesday, July 21, 2015 at 8:30 a.m.

It is the policy of Brookings County, South Dakota, not to discriminate against the Handicapped in Employment or the Provision of Service. The County of Brookings is responsive to requests for communication aids and the need to provide appropriate access, and will provide alternative formats and accessible locations consistent with the Americans with Disabilities Act.

Jenna Peterson  
Finance Assistant II  
Brookings County

Published once at the total approximate cost of\_\_\_\_\_.